



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0255-18

THE STATE OF TEXAS

v.

CHARLIE RILEY, Appellee

ON APPELLEE'S PETITION FOR DISCRETIONARY REVIEW
FROM THE NINTH COURT OF APPEALS
MONTGOMERY COUNTY

KELLER, P.J., delivered the opinion of the Court in which KEASLER, HERVEY, RICHARDSON, KEEL, WALKER and SLAUGHTER, JJ., joined. YEARY, J., filed a dissenting opinion. NEWELL, J., dissented.

In 2016, Appellee, a member of the Montgomery County Commissioners Court, was indicted for violating § 551.143 of the Texas Open Meetings Act.¹ Appellee filed a motion to dismiss on the basis that § 551.143 was overbroad in violation of the First Amendment and was unconstitutionally vague. The trial court granted the motion and dismissed the indictment. Relying on its earlier

¹ TEX. GOV'T CODE § 551.143(a).

decision in *State v. Doyal*,² the court of appeals reversed the trial court's order dismissing the indictment and remanded the case for further proceedings.³ We subsequently reversed the court of appeals's decision in *Doyal* on the basis that § 551.143 was facially unconstitutional.⁴ Our decision in *Doyal* controls the outcome of this case. We reverse the judgment of the court of appeals and affirm the judgment of the trial court.

Delivered: June 19, 2019

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² 541 S.W.3d 395 (Tex. App.—Beaumont 2018), *rev'd*, ___ S.W.3d ___, No. PD-0254-18, 2019 Tex. Crim. App. LEXIS 161 (Tex. Crim. App. February 27, 2019).

³ *State v. Riley*, No. 09-17-00124-CR, 2018 Tex. App. LEXIS 1042 (Tex. App.—Beaumont February 7, 2018) (not designated for publication).

⁴ *State v. Doyal*, ___ S.W.3d ___, No. PD-0254-18, 2019 Tex. Crim. App. LEXIS 161 (Tex. Crim. App. February 27, 2019).